

DATE: November 19, 1985

TO: Will Sniffin, Deputy Water Utilities Director

FROM: City Attorney

SUBJECT: Overnight Camping on Access Road to Lake Hodges

By means of a recent route slip, you outlined a problem of citizens lining up in their vehicles to be first on the lake for fishing purposes. During peak times, you point out that this entails cars forming a line beginning the previous evening. Such activity has drawn complaints for adjacent property owners who claim that such camping activity is illegal. You ask for our review and whether there are any regulations pertaining to this situation.

The regulations governing the water impounding systems are authorized in San Diego Municipal Code sections 67.40, 67.41 and 67.42 which provide:

SEC. 67.40 WATER IMPOUNDING SYSTEM-POSTING
OF NOTICES-AUTHORITY TO ENFORCE

REGULATIONS

(a) That the properties of the water impounding system owned by and under the control of The City of San Diego shall be posted with notices against trespassing, bathing, or unauthorized shooting, hunting, fishing or camping, and warning all persons against violation of any of the ordinances of The City of San Diego, of the laws of the State of California, or any rules or regulations adopted pursuant thereto, which provide for the protection of any reservoir, or properties of the water impounding system.

(b) That all officials and employees of the Park and Recreation Department and the Water Utilities Department of The City of San Diego

are hereby vested with authority to enforce all laws, orders, rulings and regulations enacted for the protection of these waters and the properties pertaining thereto.

SEC. 67.41 WATER IMPOUNDING
SYSTEM-DESIGNA-
TION OF PERMISSIBLE USES:

(a) That the City shall designate, through the City Manager, which reservoirs or property of the water impounding system of The City of San Diego, or any of them, shall be open to the public for the purpose of camping, boating, shooting, hunting and or fishing, and unless otherwise permitted thereby, no reservoir or property of the water impounding system of The City of San Diego shall be open to the public for any purpose.

(b) That the City Manager be, and he is hereby authorized and empowered to adopt such rules and regulations or modification thereof, regulating and controlling entry, camping, boating, shooting, hunting and/or fishing privileges and sanitation, upon the reservoirs and properties of the water impounding system owned by or under the control of The City of San Diego.

SEC. 67.42 WATER IMPOUNDING
SYSTEM-DECLARATION OF REGULATIONS OF USE:

That all rules and regulations or modifications thereof concerning entry,

camping, boating, shooting, hunting and or fishing privileges, and sanitation, upon the reservoirs or property of the water impounding system owned by or under the control of The City of San Diego, which are approved by the City Manager of said City, are hereby declared to be the rules and regulations governing such privileges and sanitation.

The rules and regulations promulgated pursuant to these sections are attached as Exhibit A having been recently revised and approved. While Rules 2.4 and 2.5 prohibit conduct that disturbs the peace and fires in unauthorized areas, there is no explicit ban on camping.

The general ban on camping found in Municipal Code section 63.02.12 pertains to regulating activity in public parks and beaches. Since the regulations of Exhibit A are specifically for reservoirs, these regulations would govern.

While the existing rules contain no ban on camping, they could be revised with the approval of the City Manager. However we seriously question whether the mere lining up of vehicles would constitute "camping." The definition of camping, however, is beyond the bounds of this review.

In short, the existing regulations contain no prohibition on "camping" but offensive behavior that disturbs the peace of a reasonable citizen can be curtailed under Rule 2.4.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:js:411(x043.2)

Attachment

ML-85-87